

SERVICE AND TREATMENT CONSIDERATIONS (for children)

Educational and Developmental Considerations

“Early trauma affects every aspect of children’s...development: representational thought, language, memory, attention, and executive functioning. As a result, children with histories of adversity face significant disadvantages in meeting the academic and social demands of school.” Craig S. (2016). *Trauma Sensitive Schools: Learning Communities Transforming Children’s Lives, K-5*. NY: Teachers College Press, page 59.

According to the Florida Supreme Court, the role of courts that resolve issues involving children and families is to “craft solutions that are appropriate for long-term stability and that minimize the need for subsequent court action.”¹ In fulfilling this role, dependency courts have a unique opportunity to improve educational outcomes for children in dependency court - a population at extreme risk of educational failure. National statistics show children in foster care are significantly more likely to repeat a grade, be referred into special education, display behavioral issues, drop out, and become entangled in the juvenile delinquency system than their peers not involved in the system.² The best opportunity for changing this life trajectory begins early, by ensuring the youngest children in dependency court have access to quality early childhood care and education, as well as early interventions to set the foundation for success in school. For our school-age children in dependency court, judges have many opportunities to ensure they have the stability, services, and support they need to succeed in school.³ This section addresses educational considerations for children ages birth to 5, followed by considerations for school-age children.

Educational Considerations for Children Ages Birth to 5

1. The Impact of Quality Early Childhood Care & Education

The first five years of life are pivotal in establishing the foundation for lifelong learning, behavior, health, and overall well-being. A child’s brain is not fully formed at birth, but is dependent upon the “serve and return” interactions, nurturing relationships, and enriching experiences to “grow” the brain during the first years of life. Science shows that providing stable, responsive relationships, and quality early experiences are critical for all children.⁴

When these important elements are missing in the life of a young child because of a caregiver’s neglect, abuse, or abandonment, it can negatively impact his/her brain development.⁵ In fact, children in dependency court are at high risk of negative academic and societal outcomes. The achievement gap is noticable in the “word gap” by 18 months, in

school readiness scores at kindergarten, in 3rd grade reading scores, and differences which persist throughout high school. Such difficulties in their early years have long-term consequences for children in dependency court, including low rates of college completion and high rates of unemployment, incarceration, and homelessness as adults.⁶

Quality early childhood care and education reinserts these important elements into the lives of young children, thereby preventing or reversing the impact of early adversity to help them reach their fullest potential. Quality early childhood care and education ensure young children are given a nurturing, stable environment with consistent, responsive caregivers who identify early developmental delays and remedy them with appropriate interventions. In such environments, children who have experienced early adversity have an opportunity to thrive.⁷ For example, at-risk children who attended quality child care for only one year began kindergarten with better math and literacy skills than they would have otherwise.⁸ Additionally, attendees of these programs were significantly less likely to be referred to special education programs or repeat a grade.⁹ Finally, at-risk children who attend even one year of quality child care are significantly more likely to graduate from high school and less likely to become juvenile delinquents.¹⁰ As this is one of the most effective interventions for young children in dependency court, judges must ensure that these young children receive quality early childhood care and education.

“... [T]here is an emerging body of research that suggests that ECE [early childhood education] may promote child safety, permanency, and well-being for children in or at risk of entering the CWS [child welfare system]... the existing research summarized in this brief points to the value of implementing organizational and system-level practice changes ... that will increase CWS-supervised children’s access to ECE and thereby the opportunities for maltreated children to benefit from these services.” Sacha Klein, *Benefits of Early Care and Education for Children in the Child Welfare System*, at 11 (Nov. 2016).

2. Mandates for Quality Early Childhood Care & Education

Chapter 39, Florida Statutes, and the Florida Administrative Code establish that Florida’s youngest children in dependency court should receive quality early childhood care and education while under supervision of the state. Thus, the dependency court can and should monitor the provision of these services.

Chapter 39 supports providing quality early childhood care and education for children in dependency court:

- **Section § 39.001(1)(a):** “The purposes of this chapter are... to provide for the care, safety, and protection of children in an environment that fosters healthy social,

emotional, intellectual, and physical development ... to promote the health and well-being of all children under the state's care..." (emphasis added)

- **Section § 39.001(3):** "It is a purpose of the Legislature that the children of this state be provided with the following protections: Effective treatment to address physical, social, and emotional needs... Equal opportunity and access to quality and effective education, which will meet the individual needs of each child..." (emphasis added)
- **Rilya Wilson Act, § 39.604(2):** "The Legislature recognizes that children who are in the care of the state due to abuse, neglect, or abandonment are at increased risk of poor school performance and other behavioral and social problems. It is the intent of the Florida Legislature that children who are currently in the care of the state be provided with an age-appropriate education program to help ameliorate the negative consequences of abuse, neglect, or abandonment." (emphasis added)

The Rilya Wilson Act applies to children from birth to school-aged under court-ordered protective supervision. The Act requires that if such a child was enrolled in child care when he/she entered the court system, or are enrolled in child care after entry, the child must attend a licensed child care program five days a week. Their full-time attendance in child care must also be a part of the child's case plan. Only a court order can permit part-time attendance or no attendance. If a child covered by this Act is absent, the person with whom the child resides must inform the child care program of the absence by the end of that business day. If he/she fails to do so the absence is marked as unexcused. That unexcused absence must be reported by the child care program to the local designated staff member within the department or the Community-Based Care Agency by the end of the following business day. Additionally, the child care program must report seven consecutive *excused* absences by the end of the seventh business day. After two unexcused absences or seven excused absences, either the department or lead agency must conduct a site visit of the child's residence. Two or more such visits will result in the court being notified of the parent/caregivers' noncompliance to the case plan. § 39.604.

NOTE: It is important to consider the best interests of the child when interpreting the **Rilya Wilson Act**. The law was enacted to have "an additional set of eyes on children in out-of-home care" so they do not get lost in the system. The court needs to consider the best interests of the child when determining whether or not child care is necessary, or appropriate in each case. Children in dependency court are highly vulnerable for developmental delay and academic failure, so ensuring a quality child care setting would be in most young children's best interests. However, some home environments are well-suited to meeting the children's needs and should be considered by the court, especially if a quality child care program is unavailable.

The Florida Administrative Code requires foster parents to choose quality child care:

Florida Administrative Code 65C-13.030(2)(d) states: “Child care for children in out-of-home care shall be chosen by the caregiver(s) according to the following order:

- (1) Gold Seal Accredited child care providers or providers participating in a quality rating system;
- (2) Licensed child care providers;
- (3) Public school providers;
- (4) License exempt child care providers... these providers must be participating in the school readiness program through the local early learning coalition.

If there is no available Gold Seal accredited child care provider or space for the child at the Gold Seal provider, then the caregiver shall choose a licensed child care provider. ...” (emphasis added)

For more information about the Gold Seal Quality Care Program, visit: <http://www.myflfamilies.com/service-programs/child-care/goldseal>; and Fla. Stat. s. 402.281.

3. Quality Child Care

Quality early childhood care and education are critical for young children in dependency court to experience, whether in a nurturing home environment, a quality family childcare home, and/or a quality child care center. Many young children in dependency court spend most of their waking hours in child care. How can it be determined whether a child care is providing quality early childhood care and education?

Quality child care generally includes the following components:

- low staff/caregiver-to-child ratio
- small class size
- credentialed, associate’s degree or bachelor’s level teachers
- well-trained teachers with knowledge of child development
- approved curricula or learning approaches specific to infants, toddlers, or preschoolers
- nurturing, language-rich environments
- responsive, consistent teachers
- safe & healthy learning environment¹¹

There are some types of child care programs that are more likely to provide these basic components of a quality child care. The following diagram shows where different types of child care programs fall in the hierarchy of quality:



Top Tier

National Accredited Child Care can be a high indicator of quality. Accreditation is a process of establishing recognized standards of quality in the level of care and supervision provided to children and assessing program compliance with those standards. Such national accrediting organizations like the National Association for the Education of Young Children (NAEYC) have very high standards.¹²

Head Start/Early Head Start Programs offer free, comprehensive child care to low-income children. Children in care receive priority in enrollment. They can be home

visiting or center-based, both which optimize child development and school readiness. Family involvement is a cornerstone of the program to empower parents in their role as primary caregivers and teachers.

Quality Rating Systems can help identify good early childhood programs. Many counties in Florida have voluntary Quality Rating Improvement Systems (QRIS) in place for child care programs. A QRIS is a systemic approach used to assess, improve, and communicate the level of quality of child care programs. Similar to star systems for restaurants and hotels, these systems award quality ratings to child care programs based on clearly defined standards. Florida is exploring supports and incentives for continuous quality improvement.

Second Tier

Gold Seal Quality Childcare was established by the Florida Legislature in 1996 to acknowledge child care programs and family child care homes that exceeded minimum health

and safety licensure requirements and are accredited by an approved accrediting body. Some Gold Seal accrediting agencies are better than others. Some have minimal standards and little or no verification of program compliance, so early childhood programs can boast accreditation without actually meeting commonly recognized quality indicators such as small group size, adult/child ratios, and teacher education and credentials. Careful examination of specific programs and policy revisions for this program are needed since quality is highly variable depending upon the accrediting body.

Third Tier

Licensed programs may or may not be quality as licensing is intended to address minimum health and safety standards, and Florida's standards are low in comparison to other states. Florida's child care regulations are ranked 40th in the nation based on 11 program benchmarks (background checks, education requirements of directors and teachers, pre-service/in-service training requirements, learning activity requirements, health/safety practices, parent involvement, and ratios/group size in line with NAEYC.)¹³

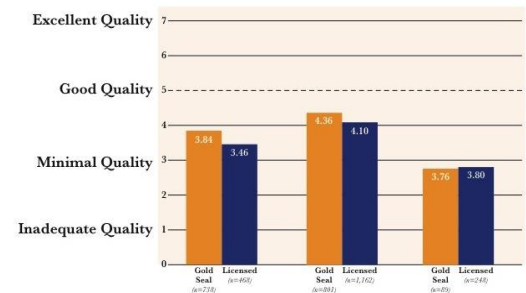
Fourth Tier

License exempt programs, such as religious institutions, may be quality or not, but they are not mandated to be inspected and are not required to meet Florida's minimum licensing standards. Family child care, except in counties that require licensure, are also exempt from licensure. A new requirement, based on the recent reauthorization of the Child Care Development Block Grant, requires adherence to health and safety standards and annual monitoring for *all* programs serving children receiving a child care subsidy.

Fifth Tier


Unregulated care is typically childcare by a relative, friend, neighbor or a small family child care home that serves under the limit of children to be regulated. There is no oversight or indicator of quality in unregulated care.

A statewide study found Gold Seal programs were only slightly better than “non-Gold Seal” programs—and neither ranked “good” much less “quality” or “high quality.”



Kalifeh, P. (2013). Florida Gold Seal Quality Care Program. Available at [http://www.researchconnections.org/childcare/resources/25952?author=Kalifeh%](http://www.researchconnections.org/childcare/resources/25952?author=Kalifeh%20P)

So, how does a judge or magistrate ensure that children in dependency court are in quality child care? Ask whether they are enrolled with a child care provider that is participating in one of the following programs:

1. Accreditation by the National Association for the Education of Young Children (NAEYC)
2. Head Start and Early Head Start
3. Local Quality Rating System 
4. Gold Seal Accredited Programs

Here are some examples of local quality rating systems around the state:

Guiding Stars of Duval:

<http://www.elcduval.org/guiding-stars-of-duval/>

Hillsborough County, Quality Counts:

http://www.elchc.org/quality_counts.html

Miami-Dade County, Quality Counts:

<http://www.elcmdm.org/QualityCounts/index.htm>

Palm Beach County, Quality Counts:

<http://providers.cscpbcc.org/bequality>

Sarasota County, Look for the Stars:

<http://www.lookforthestars.org/>

****Quality programs often cost more than programs that are not considered quality. Caregivers bear the burden of paying that higher cost, even when receiving subsidized child care. Sometimes the caregiver cannot afford it. These caregivers should be encouraged to seek out Head Start or Early Head Start, which are free. Caregivers for whom the above quality programs are not an option due to high cost or lack of availability should be encouraged to choose the best child care among those in their price range and area by utilizing a tool like the Office of Early Learning Quality Check List (referenced in footnote 11).****

4. Key Agencies Providing Early Education Services to Children in Dependency Court

a. Early Learning Coalitions (ELC)

In Florida, the Office of Early Learning governs the day-to-day operations of statewide early learning programs and administers federal and state child care funds. Thirty regional early learning coalitions and the Redlands Christian Migrant Association (akin to an ELC) are responsible for delivering local services. Each ELC oversees Child Care Resource and Referral, the School Readiness Program and Voluntary Pre-Kindergarten Program; provides trainings to child care providers; and manages the quality ratings system (if the county has one). For more information, visit: <http://www.floridaearlylearning.com/coalitions.aspx>

- i. **Child Care Resource and Referral**-The Child Care Resource and Referral (CCRR) provides parents/caregivers with tailored lists of child care providers according to their desired specifications (ex. all Gold

Seal Accredited centers within 5 miles of my home address). In an effort to promote informed choice, CCRRs also provide caregivers with information on available community resources, financial assistance programs, and consumer education, so they can recognize quality in child care settings. Caregivers should contact their local ELCs for more information. The statewide number is: 1-866-357-3239. For more information, visit:

http://www.floridaearlylearning.com/parents/early_learning_programs_and_services/child_care_resource_and_referral.aspx

For a provider search: <https://cares.myflfamilies.com/PublicSearch>

- ii. **School Readiness Program**-The School Readiness Program provides subsidized child education and care to Florida's low-income families to promote their financial self-sufficiency and their child's school success. Children served in the protective services system are also eligible for School Readiness services. Most of the caregivers in dependency court utilize the School Readiness Program to access child care services. The School Readiness program also provides developmental screenings and other support services (ex. speech therapy) for eligible children. For more information, visit:
http://www.floridaearlylearning.com/school_readiness.aspx
- iii. **Voluntary Prekindergarten (VPK)**-The VPK Education Program began in 2005 and is available to every four-year-old child in Florida as a result of a constitutional amendment.¹⁴ It is designed to prepare children for kindergarten and build the foundation for educational success. The VPK program is free for all four-year-olds born on or before September 1 who reside in Florida*. Children can participate in either the regular school year or summer session. The part day program is available for free and may be combined with subsidized or other child care if full day care is needed. For children who meet the above criteria and have a current Individual Educational Plan (IEP), families may choose the VPK Specialized Instructional Services (VPK SIS) program instead of participation in traditional VPK. To learn more about VPK, visit:
<http://www.floridaearlylearning.com/vpk.aspx>. To learn more about VPK SIS, visit:
http://www.floridaearlylearning.com/sites/www/Uploads/files/Parents/ADA_Compliant-2013-VPK_SIS_FactSheet.pdf

*Children participating in the Florida Personal Learning Scholarship Account (PLSA) Program are not eligible to participate in VPK.

b. Early Head Start/Head Start

Early Head Start programs provide free, comprehensive child development and family support services to low-income infants and toddlers ages prenatal to 3 years old, their families, and pregnant women and their families. Head Start offers the same to children ages 3-5 years old. Early Head Start and Head Start are federal programs that contract directly with local grantees. Children involved in the child welfare system and children with disabilities are given priority in admission to Head Start programs. Programs can be home visiting or center-based, both which optimize child development and school readiness. Family involvement is a cornerstone of the program to empower parents in their role as primary caregivers and teachers. For more information, visit: <http://www.acf.hhs.gov/programs/ohs>

c. Early Steps

Because of the high prevalence of maltreated children with developmental delays, the federal CAPTA (Child Abuse Prevention and Treatment Act) statute [42 U.S.C.A. s. 5106(a)(1),(5)(2010)] requires that all children under age 3 with verified maltreatment be referred for screening to the state program, and administered under Part C of the Individuals with Disabilities Education Act (IDEA). In Florida, the program is called Early Steps, which is administered by the Florida Department of Health under the auspices of Children's Medical Services. Early Steps provides free developmental screenings, evaluations, and treatment for those children. Federal law requires the screening to occur within 45 days from the date of the referral, because early intervention can minimize problems and optimize children's development during this pivotal period. Parents, pediatricians, case workers, judges, and others can refer children for screening. If children meet the eligibility criteria for delay or an established disability, they are then entitled to an array of needed services (physical, occupational, and speech therapy; counseling; nursing services; and transportation) provided through insurance, Medicaid, or otherwise at no cost to the family.

The Early Steps service delivery model recognizes the importance of relationships and requires a team-based approach to service delivery. The team-based approach is a family-centered, capacity building method to intervene with infants and toddlers with disabilities or developmental delays and their families.¹⁵ For more information, visit: <http://www.floridahealth.gov/programs-and-services/childrens-health/early-steps/index.html>

d. Florida Diagnostic and Learning Resources System (FDLRS)

FDLRS provides free diagnostic and instructional supports for children ages 3-5 years old. This program is Florida's realization of the requirements of Part B of the IDEA. For more information, visit: <http://www.fdlrs.org/>

e. Florida's Maternal, Infant and Early Childhood Home Visiting Initiative

The Maternal, Infant and Early Childhood Home Visiting Initiative is funded in part through federal investments providing voluntary, evidence-based home visiting services to at-risk pregnant women and parents with young children. The program uses *Healthy Families America*, *Nurse-Family Partnership*, and *Parents as Teachers* models to help parents of children from birth to kindergarten entry tap the resources and hone the skills they need to raise children who are physically, socially, and emotionally healthy and ready to learn. These are the home visiting programs in Florida:

- i. **Healthy Families Florida (HFF)** is a statewide network of nationally accredited family support and coaching programs that help parents provide the safe and stable environments children need for healthy growth and development. HFF provides community-based home visitation services focused on promoting positive parent-child interaction, family self-sufficiency, and child health and development. Administered by the Ounce of Prevention Fund of Florida, HFF funds 35 community grants that provide services to families living in targeted areas in all 67 Florida counties.
- ii. **Florida Healthy Start** offers targeted support services that address risks for poor birth outcomes or developmental delay identified through the state's universal prenatal and infant screens. The state's largest Title V program, Healthy Start provides services to pregnant women, infants, and children up to age three in all 67 counties including: information, referral, and ongoing care coordination and support; psychosocial, nutritional, and smoking cessation counseling; childbirth, breastfeeding, and parenting support and education, and home visiting. Thirty-one community coalitions oversee funding and the development of local systems of care for at-risk pregnant women and their families.
- iii. **The Home Instruction for Parents of Preschool Youngsters (HIPPY)** is a parent involvement and school readiness program. HIPPY offers free home-based early childhood education for three, four, and five year old children working with their parent(s) as their first teacher. Parents are provided with a set of developmentally appropriate materials, curriculum, and books designed to strengthen their children's cognitive and early literacy skills, and social/emotional and physical development. HIPPY is

currently provided by organizations in 12 Florida communities. For more information, visit <http://floridahippy.fmhi.usf.edu>

- iv. **Early Head Start** programs provide early, continuous, intensive, and comprehensive child development and family support services on a year-round basis to low-income families through center-based and optional home visiting. The purpose of the Early Head Start program is to enhance children's physical, social, emotional, and intellectual development; to support parents' efforts to fulfill their parental roles; and to help parents move toward self-sufficiency.
- v. **Young Parent's Program** is a home visiting program for court-involved teen mothers and their babies that utilizes a multidisciplinary team to break the intergenerational cycle of poverty, delinquency, and teen pregnancy. For more information, visit: <http://www.cpeip.fsu.edu/teenParents/index.cfm>

5. Free Developmental Stages Resource:

<http://www.cdc.gov/ncbddd/actearly/milestones/milestones-in-action.html>



References:

¹ In re: Report of the Family Court Steering Committee, 794 So.2d 518, 522-23 (Fla. 2001).

² Foster children in their sophomore and senior years of high school were twice as likely to indicate that they were "in serious trouble with the law" than their non-foster care peers. Wendy Whiting Blome, *What Happens to Foster Kids: Educational Experiences of a Random Sample of Foster Care Youth and a Matched Group Non-Foster Care Youth*, Child and Adolescent Soc. Work J., Feb. 1997, at 41, 47; National Working Group on Foster Care and Education, *Fostering Success in Education: National Fact Sheet on the Educational Outcomes of Children in Foster Care*, 1, 5 (2014), available at: www.fostercareandeducation.org.

³ National Council of Juvenile and Family Court Judges, *Asking the Right Questions II: Judicial Checklists to Meet the Educational Needs of Children and Youth in Foster Care* (2008), available at: <http://www.ncjfcj.org/sites/default/files/education%20checklist%202009.pdf>.

⁴ Center on the Developing Child at Harvard University, *Applying the Science of Child Development in Child Welfare Systems*, at 5-8 (2016), available at: http://developingchild.harvard.edu/wp-content/uploads/2016/10/HCDC_ChildWelfareSystems.pdf.

⁵ *Id.*

⁶ CASEY FAMILY PROGRAMS, FOSTER CARE BY THE NUMBERS (2010) , http://www.fostercareandeducation.org/portals/0/dmx/2013%5C07%5Cfile_20130719_111354_oStS_0.pdf; Mark E. Courtney, et.al., *Midwest Evaluation of Adult Functioning of Former Foster Youth, Outcomes at Age 26*, at 20-21, 28, 93 (2011), available at: http://www.chapinhall.org/sites/default/files/Midwest%20Evaluation_Report_4_10_12.pdf.

⁷ Center on the Developing Child at Harvard University, *Applying the Science of Child Development in Child Welfare Systems*, at 15-16 (2016), available at: http://developingchild.harvard.edu/wp-content/uploads/2016/10/HCDC_ChildWelfareSystems.pdf.

⁸ Katherine A. Magnuson, et al., *Inequality in Preschool Education and School Readiness*, American Educational Research Journal, Spring 2004 at 138, 141.

⁹ *Id.* at 140-141; Liza M. Conyers, *The Effect of Early Childhood Intervention and Subsequent Special Education Services: Findings from the Chicago Child-Parent Centers*, Educational Evaluation and Policy Analysis, Spring 2003, at 75, 88-9;

¹⁰ Arthur J. Reynolds, et. al., *Paths of Effects of Early Childhood Intervention on Educational Attainment and Delinquency: A Confirmatory Analysis of the Chicago Child-Parent Centers*, Child Development Sep.–Oct. 2004, at 1311-12 (55.9% of participants completed high school compared with 46.7% of children who did not attend the preschool program - a 20% difference)(13.1% of participants in the preschool group were arrested as juveniles while 22% of the non-participants were arrested - a 40% difference).

¹¹ The Florida State University, Center for Prevention & Early Learning Policy, *Pathway to Quality: Infant and Toddler Child Care*, available at: http://cpeip.fsu.edu/quality/resources/FSU_10CompHO.pdf; See also, Office of Early Learning, *Quality Checklist for Evaluating Early Learning Programs*, available at: <http://ccrain.fl-dcf.org/documents/-99/2355.pdf>

¹² National Association for the Education of Young Children, available at: <https://www.naeyc.org/academy/primary/viewstandards>.

¹³ Child Care Aware, *We Can Do Better: Child Care Aware of America's Ranking of State Child Care Center Regulations and Oversight* (2013), available at: http://usa.childcareaware.org/wp-content/uploads/2015/10/wecandobetter_2013_final_april_11_0.pdf.

¹⁴ FLA. CONST. art. IX, sec. 1(b).
